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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,370	07/18/2003	Zane Vella	KM2377.002A	4363
20995 7590 11/27/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER CAMPBELL, JOSHUA D				
ART UNIT 2178		PAPER NUMBER		
NOTIFICATION DATE 11/27/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/622,370

Applicant(s)

VELLA ET AL.

Examiner

JOSHUA D. CAMPBELL

Art Unit

2178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 49, 51-65, 67-80 and 82-92 is/are pending in the application.
- 4a) Of the above claim(s) 52, 53, 58, 59, 67, 68, 73, 74, 82, 83, 88 and 89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80, 84-87 and 90-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/31/2009 and 9/1/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 9/21/2009 and Information disclosure statements filed on 3/31/2009 and 9/1/2009.
2. Claims 1-3, 5, 49, 51-65, 67-80, and 82-92 are pending in this case. Claims 52, 53, 58, 59, 67, 68, 73, 74, 82, 83, 88, and 89 have been withdrawn from consideration. Claims 1, 60, and 75 are independent claims. Claims 1, 60, 62, 70, 72, and 75 have been amended. Claims 4, 6-48, 50, 66, 81, and 93-106 have been cancelled.
3. The rejection of claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80 and 84-92 under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (hereinafter "Gupta"), US 6,546,405 B2 filed 10/23/1997, issued 4/8/2003, in view of Hassell et al. (hereinafter Hassell) U.S. Publication No. 2004/0107439 with continuation filing date of 2/8/2000 has been withdrawn in view of the amendments.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80, 84-87, and 90-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (hereinafter "Gupta"), US 6,546,405 B2 filed 10/23/1997, issued 4/8/2003, in view of Hassell et al. (hereinafter Hassell) U.S. Publication No. 2004/0107439 with continuation filing date of 2/8/2000, further in view of Ginn, US Patent Number 6,362,837 filed on May 5, 1998.

Regarding independent claim 1, Gupta teaches displaying an audiovisual production in fig. 2, col. 2 lines 36-64, and col. 5 line 19 – col. 6 line 64. Gupta teaches displaying a message relating to a portion of the audiovisual presentation, with a video playing in a predetermined size, along with a separate text window. Gupta teaches displaying and selecting temporal annotations from a list, to which playback of the multimedia document substantially commences (fig. 2, col. 2 lines 36-64, col. 5 line 19 – col. 6 line 64, and col. 18 line 5 – col. 19 line 31). It is noted that the selection within said list can be interpreted as a form of message indicator, and it is reasonable for the skilled artisan to interpret Gupta's invention as having the capability of selecting another indicator from said list while a multimedia document is playing.

Gupta discloses wherein the process of displaying the given message comprises using a threaded messaging system in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63. Gupta teaches that by enabling annotation of temporal annotations, threads of

discussion can develop (see Gupta column 10 lines 23-30), facilitating collaboration and fruitful discussion (Gupta column 10 lines 29-30). Since discussion threads typically incorporate messages, the selection of an annotation as described above would result in a display of a threaded discussion accordingly.

Gupta does not specifically teach *"automatically resizing the first screen display size...including the playback of the audiovisual production"*, and *"providing a text window, wherein.....occupied by the first screen display size"*. However, Hassell teaches a program guide incorporating rich media (Hassell, at least Abstract). Hassell teaches two presentation layouts: the first comprises a full screen video (a first screen display size) with text, and any other content displayed as "overlays" over said video (Hassell Figure 37, paragraph [0147]). The second presentation comprises separate windows for video and "text update window" (Hassell Figure 36, paragraph [0146]). It is noted that said text update window may be used to display reviewer comments, notes, etc. Changing from the first, to the second presentation results in said video now displayed within a second smaller display window, with the text now in a window previously occupied by said video. It is additionally noted that Hassell teaches automatic resizing of video (Hassell at least Abstract, and paragraph [0013]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hassell to Gupta, providing Gupta the benefit of efficient display layouts. If a user selects an annotation which opens a long discussion thread, it would be desirable for the text of said discussion to be encapsulated within its own window space (as per Hassell), instead of overlain on said video, so as to not interfere with the displayed video.

Neither Gupta nor Hassell explicitly disclose providing an interface for rating the messages in a thread or filtering/sorting the messages in the thread based on the ratings. However, Ginn teaches the notoriously well-known feature of providing the user an interface to rate messages contained within threads (column 6, line 62-column 7, line 25), and as a result allowing the user to filter messages via an interface based on the ratings of said messages (column 5, lines 15-20 of Ginn). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Gupta and Hassell with the notoriously well-known teachings of Ginn because it would have allowed users to have better access to more valuable messages thus providing a more interesting experience for the users (column 7, line 53-64 of Ginn).

Regarding dependent claim 2, Gupta discloses wherein the message is alphanumeric text displayed in a text window in fig. 2, 3, col. 6 line 43 – col. 7 line 34, and col. 9 line 61 – col. 10 line 14.

Regarding dependent claim 3, Gupta discloses accepting a signal from a viewer input device to resize an area used to display the audiovisual production in col. 5 lines 19-63. Gupta discloses accepting a signal from a viewer input device to allow resizing of the text window in col. 6 lines 43-64 and col. 9 line 61 – col. 10 line 14.

Regarding dependent claim 5, Gupta discloses wherein the message includes an icon defining a portion of the audiovisual production to be displayed upon selection of the icon in col. 9 line 45 – col. 10 line 30.

In regard to dependent claim 49, Gupta teaches selecting annotations from a list, and providing a table of contents (Gupta Figure 10, column 11 lines 27-35, column 2 lines 58-61), providing reasonable suggestion to one of ordinary skill in the art at the time of the invention to interpret said lists as “headers” or titles – “subject lines”, of messages, facilitating clarity of messages.

In regard to dependent claims 51, 54, 55, 56, Gupta discloses wherein the process of displaying the given message comprising using a threaded messaging system in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63. Gupta does not forcefully teach a message included in a thread. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this, in view of Gupta. Gupta teaches that enabling annotation of temporal annotations, threads of discussion can develop (see Gupta column 10 lines 23-30), providing reasonable suggestion to the skilled artisan to include messages as part of threads, facilitating collaboration and fruitful discussion (Gupta column 10 lines 29-30). It is noted that threads of discussion (i.e. in a typical forum) typically involve user(s) analyzing some or all displayed messages (including headers and content bodies) in an expanded threaded view, facilitating further discussion.

In regard to dependent claim 57, Gupta discloses wherein the process of displaying the given message comprising using a threaded messaging system including groups of users with access rights in col. 8 lines 29-54 and col. 19 lines 32 – col. 22 line 63. Gupta does not forcefully teach removing a message indicator after a period of time. However, it would have been obvious to one of ordinary skill in the art at the time of the

invention to include this, in view of Gupta. Gupta teaches that enabling annotation of temporal annotations, threads of discussion can develop (see Gupta column 10 lines 23-30). Since storage space in repositories are generally finite, it was well established within electronic forums using message threads at the time of the invention to encapsulate all messages within a container period of time (i.e. messages from 2005, etc.) as one indicator, providing reasonable suggestion to the skilled artisan to remove stale messages from a forum and archiving said stale messages, facilitating efficient collaboration and discussion (Gupta column 10 lines 29-30).

In regard to independent claim 60, claim 60 reflects the apparatus comprising computer readable instructions used for performing the method as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 61-65, 69-72, claims 61-65, 69-72 reflect the apparatus comprising computer readable instructions used for performing the method as claimed in claims 2-3, 5, 49, 49, 54-57, respectively, and are rejected along the same rationale.

In regard to independent claim 75, claim 75 reflects the medium comprising computer readable instructions used for performing the method as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 76-80, 84-87, claims 76-80, 84-87 reflect the apparatus comprising computer readable instructions used for performing the method as claimed in claims 2-3, 5, 49, 49, 54-57, respectively, and are rejected along the same rationale.

In regard to dependent claim 90, Gupta teaches a video and text display with a menu list (see rejection of claim 1). Gupta does not specifically teach full screen video view with an overlain message indicator. However, Hassell teaches full screen video with text, and any other desired content displayed as “overlays” over said video (Hassell Figure 37, paragraph [0147]). It is reasonable to interpret “any other desired content” as incorporating text messages, lists, menus, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hassell to Gupta, providing Gupta the benefit of efficient display layouts. If a user selects an annotation, it would be desirable for said annotation indicator to be overlain on a video, so as to allow a user the benefit of full screen video.

In regard to independent claim 91, claim 91 reflects the medium comprising computer readable instructions used for performing the method as claimed in claim 90, and is rejected along the same rationale.

In regard to dependent claim 92, claim 92 reflect the apparatus comprising computer readable instructions used for performing the method as claimed in claim 90, and is rejected along the same rationale.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5, 49, 51, 54-57, 60-65, 69-72, 75-80, 84-87, and 90-92 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
November 18, 2009